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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,924	03/31/2004	David Benjamin Auerbach	24207-10118	6346
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			EXAMINER LEWIS, ALICIA M	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 05/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,924

Applicant(s)

AUERBACH ET AL.

Examiner

Alicia M. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 and 20-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 and 20-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the Request for Continued Examination (RCE) filed August 21, 2007. Claims 2, 18, 20, 36, 37, 39 have been amended; claims 1 and 19 are canceled; and claims 40-42 have been added. Therefore, claims 2-18 and 20-42 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2,12-15, 17, 18, 20, 30-33, 35, 36 and 38-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent Application Publication 2002/0055919 A1).

With respect to claims 2 and 20, Belfiore teaches:

receiving a term in an input field (step 60 in Figure 4, column 5 lines 13-14);

generating a user-context-dependent query (column 5 line 66 – column 6 line 1)

based at least in part on a user context and the term, the search query for searching an article index for a first article identifier identifying a first article associated with the term (column 5 lines 14-17, 40-43, 60-67, column 6 lines 1, 30-55);

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receiving the first article identifier (column 5 lines 47-48, column 6 lines 53-58);
and

displaying in a transient menu associated with the input field the first article identifier and at least one hyperlinked menu item (Figure 13B, column 8 lines 1-20).

Belfiore does not teach the at least one hyperlinked menu item included within the first article.

Mikheev teaches a method and system for gathering, organizing, and displaying information from data searches (see abstract), in which he teaches displaying search results, including a first article identifier and at least one hyperlinked menu item included within the first article (Figure 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Belfiore by the teaching of Mikheev because at least one hyperlinked menu item included within the first article would enable a complete listing of all search results, even those results having the same domain. The combination would further enable the presentation of search results in an organized, logical fashion that allows the user to focus on files in which the user is most interested (Mikheev, paragraph 6).

With respect to claims 12 and 30, Belfiore as modified teaches wherein the input field comprises an address bar (Belfiore, element 84 in Figure 5, column 5 lines 11-13).

With respect to claims 13 and 31, Belfiore as modified teaches wherein the input field comprises a query-input field (Belfiore, element 84 in Figure 5, column 5 lines 11-13, column 4 lines 30-35).

Belfiore teaches that the address box may be used to enter either URLs or search terms.

With respect to claims 14 and 32, Belfiore as modified teaches wherein the input field comprises an article-integrated input field (Belfiore, element 84 in Figure 5, column 5 lines 11-13).

In paragraph 59 of the specification, applicant discloses that an article-integrated field may be a text box, and Belfiore teaches that his address box is a text box.

With respect to claims 15 and 33, Belfiore as modified teaches wherein the first article comprises a web page (Belfiore, column 4 lines 3-7).

With respect to claims 17 and 35, Belfiore as modified teaches further comprising searching a second article index for a second article identifier identifying a second article associated with the term (Mikheev, Figure 1, paragraph 2); and

displaying the second article identifier in the transient menu (Belfiore, column 8 lines 1-11; Mikheev, Figure 4).

Belfiore teaches that more than one search result (or article identifier) may be returned in the menu.

With respect to claim 18, Belfiore as modified teaches:

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receiving a term in a network browser address bar (Belfiore, step 60 in Figure 4, column 5 lines 13-14);

generating a user-context dependent search query based at least in part on a user context and the term, the search query for searching an article index for a first URL identifying a first web page associated with the term (Belfiore, column 5 lines 14-17, 40-43, 60-67, column 6 lines 1, 30-55);

receiving the first URL (Belfiore, column 6 lines 55-57); and

displaying in a transient menu near the network browser address bar the first URL and at least one hyperlinked menu item included within the first web page (Belfiore, Figures 11B and 13B, column 8 lines 1-11; Mikheev, Figure 4).

With respect to claim 36, Belfiore as modified teaches wherein the additional article comprises a web page (Belfiore, Figure 13B; Mikheev, Figure 4).

With respect to claim 38, Belfiore as modified teaches:

receiving a select indication for the first URL (Belfiore, column 8 lines 20-22); and
displaying the first web page associated with the first URL (Belfiore, column 8 lines 22-27).

With respect to claim 39, Belfiore as modified teaches:

receiving a select indication for the additional URL (Belfiore, column 8 lines 20-22); and

displaying the first web page associated with the additional URL (Belfiore, column 8 lines 22-27).

With respect to claims 40-42, Belfiore as modified teaches further comprising:
searching the article index for an additional article identifier identifying an additional article associated with the term (column 5 lines 14-17, 40-43, 60-67, column 6 lines 1, 30-55); and

displaying in the transient menu the additional article identifier (Figure 13B, column 8 lines 1-20) .

3. Claims 3-8 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent Application Publication 2002/0055919 A1); as applied to claims 2, 12-15, 17, 18, 20, 30-33, 35, 36, 38 and 39 above, and further in view of Konig et al. (US Patent 6,981,040) ('Konig').

With respect to claims 3 and 21, Belfiore as modified teaches claims 2 and 20.

Belfiore as modified does not teach wherein the user context is based, at least in part, on a user action history comprising a plurality of user actions.

Konig teaches automatic, personalized online information and product services (see abstract), in which he teaches wherein the user context is based, at least in part, on a user action history comprising a plurality of user actions (column 17 lines 13-40).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Belfiore by the teaches of Konig because wherein the user context is based, at least in part, on a user action history comprising a plurality of user actions would enable transparent monitoring of user interactions to create a user model, which in turn could be used to provide a user with personalized information services, such as ranking of search results based on user interests (Konig, column 4 lines 22-34).

With respect to claims 4 and 22, Belfiore as modified teaches wherein each of said user actions comprises a date/time parameter (Konig, Figures 4A-4D).

With respect to claims 5 and 23, Belfiore as modified teaches wherein displaying the first article identifier comprises displaying the first article identifier in accordance with a user preference (Konig, column 17 lines 41-47, column 27 lines 42-48).

With respect to claims 6 and 24, Belfiore as modified teaches further comprising receiving the user preference (Konig, column 17 lines 41-47).

With respect to claims 7 and 25, Belfiore as modified teaches further comprising determining the user preference based, at least in part, on a user action history comprising a plurality of user actions (Konig, column 17 lines 13-40).

With respect to claims 8 and 26, Belfiore as modified teaches further comprising determining the user preference based, at least in part, on a system analysis (Konig, column 5 lines 50-52).

4. Claims 9-11 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent Application Publication 2002/0055919 A1), as applied to claims 2, 12-15, 17, 18, 20, 30-33, 35, 36, 38 and 39 above, and further in view of Sommerer et al. (US Patent Application Publication 2004/0003351 A1) ('Sommerer').

With respect to claims 9 and 27, Belfiore as modified teaches a transient menu near the input field (Belfiore, Figure 13B, column 8 lines 1-11).

Belfiore as modified does not explicitly disclose that the menu is a drop-down menu.

Sommerer teaches navigating a resource browser session (see abstract) in which he teaches a drop-down menu near an input field (Figure 3, paragraph 57).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified further Belfiore by the teaching of Sommerer because a drop-down menu near an input field would enable a browser session navigation tool that allows users to browse previously viewed resource pages, and more specifically allow users to search the record of their browsing experience during the browsing session (Sommerer, abstract); thus providing more search capabilities to Belfiore's invention.

With respect to claims 10 and 28, Belfiore as modified teaches wherein the transient menu comprises a pop-up menu near the input field (Sommerer, paragraph 29, 51 and 76).

With respect to claims 11 and 29, Belfiore as modified teaches wherein the transient menu comprises a slide-out menu near the input field (Sommerer, paragraph 29).

5. Claims 16, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent Application Publication 2002/0055919 A1), as applied to claims 2, 12-15, 17, 18, 20, 30-33, 35, 36, 38 and 39 above, and further in view of Dumais et al. (US Patent Application Publication 2004/0267730 A1) ('Dumais').

With respect to claims 16 and 34, Belfiore as modified teaches claims 2 and 20.

Belfiore as modified does not teach wherein the first article comprises an article stored on a client device.

Dumais teaches systems and methods for performing background queries from content and activity (see abstract), in which he teaches wherein the first article comprises an article stored on a client device (paragraph 34).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Belfiore by the teaching of Dumais

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because wherein the article comprises an article stored on a client device would enable the creation of a content index of accessed data items, comprising information from local data locations as well as web information. This context index, in turn, could be used in the generation of queries to find useful information.

With respect to claim 37, Belfiore as modified teaches wherein the additional article comprises an article stored in a client device (Dumais, paragraph 34).

Response to Arguments

6. Applicant's arguments filed August 21, 2007 have been fully considered but they are not persuasive. Applicant argues that cited references do not teach displaying in a transient menu a first article identifier and at least one hyperlinked menu item included within the first article. Belfiore teaches display search results in a transient menu (Figure 13B). The search results displayed are URLs and thus represent hyperlinked menu items. As stated above, Belfiore does not teach that at least one menu item is included within the first article or web page. Mikheev, however, teaches displaying search results including hyperlinked menu items included within a first article or web page (Figure 4). Therefore, Belfiore in view of Mikheev does in fact teach the limitations of independent claims 1, 18 and 20.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-


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5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis
October 27, 2007.


CHARLES RONES
SUPERVISORY PATENT EXAMINER